

## REMARKS

Reconsideration of the present application is respectfully requested.

### Summary of Office Action

Claims 1-57 stand rejected under 35 U.S.C. § 102(e) based on U.S. Patent no. 6,986,018 B2 of O'Rourke et al. ("O'Rourke").

### Interview Summary

A telephonic interview was conducted between the Examiner and Applicant's representative (the undersigned) on October 4, 2007. Claims 1, 5, 7, and 8-11 were discussed. In particular, amendments were proposed and Examiner indicated that potential incorporation of the limitations of claims 5 and 7 or claim 8 into claim 1 would likely overcome the rejection.

### Summary of Amendments

Claims 5, 7, 20, 38, 50, and 53-56 have been canceled. Claims 1-3, 15, 21, 23, 26, 32, 34, 37, 49 and 51 have been amended. No claims have been added. No new matter has been added.

### Discussion of Rejections

Applicant respectfully traverses the rejections. Applicant reserves the right to swear behind O'Rourke in a future response if Applicant deems it appropriate to do so.

Claim 1 has been amended to incorporate the limitations of claim 5 and claim 7. Claim 1 as amended recites:

1. (Currently amended) A caching device to operate as an intermediary node on a network, the device comprising:  
a cache to store content requestable by a client on the network;  
a user interface to enable a user to specify a set of forwarding rules for forwarding requests on the network;  
a database to store the set of forwarding rules;  
a request processing unit to receive a request from the client;  
a rule evaluator to evaluate the set of forwarding rules to identify within the set of forwarding rules a rule applying to the request, such that the request processing unit attempts to forward the request to a destination selected according to said rule, wherein the rule indicates a host in a defined forwarding hierarchy; and  
**a rule engine to determine an availability of the host indicated in said rule and, if the host is available, to select the host as a forwarding destination** and to cause the request processing unit to forward the request to the host according to said rule, wherein, if the request processor is unable to forward the request according to said rule, **the rule evaluator resumes evaluating the set of forwarding rules** to identify another rule corresponding to the request. (Emphasis added.)

O'Rourke fails to disclose *resuming evaluation of a set of forwarding rules if a request is unable to be forwarded*, per Applicant's claimed invention. O'Rourke discusses a set of cache policies that define the operation of the cache server (col. 3, lines 25-26), however, even assuming *arguendo* that the cache policies discussed in O'Rourke can include forwarding rules, which Applicant does not concede, O'Rourke still fails to teach *resuming* the evaluation of a set of forwarding rules. O'Rourke only describes applying cache policies, but nowhere does O'Rourke mention the possibility that the evaluation of a set of cache policies or any other type of rule can be suspended and then *resumed* after the occurrence of a condition, much less on the specific condition that *the request is unable to be forwarded*. Since O'Rourke fails to teach these limitations of amended claim 1, claim 1 as amended is therefore patentable over O'Rourke.

Independent claims 15, 23, 26, 32, 34, and 37 as amended all include limitations similar to those recited in amended claim 1. The above arguments regarding claim 1

therefore also apply to independent claims 15, 23, 26, 32, 34, and 37. Independent claims 15, 23, 26, 32, 34, and 37 are thus also patentable over O'Rourke.

Claim 49, which had limitations similar to claim 1, has been amended to incorporate the limitations of claims 53-56, which had limitations similar to those of claims 8-11. Claim 49 as amended recites:

49. (Currently amended) A proxy cache to operate as an intermediary node on a network, the proxy cache comprising:

- a user interface to enable a user to specify a set of forwarding rules for forwarding requests on the network, wherein **at least one rule in said set of forwarding rules can specify a plurality of destinations;**

- a database to store the set of forwarding rules;

- a request processing unit to receive a request at the proxy cache from a client;

- a rule evaluator to evaluate the set of forwarding rules to identify a rule in the set of forwarding rules which applies to the request; and

- a rule engine to **select a destination from among the plurality of destinations based on at least one delivery factor included in the rule, the at least one delivery factor comprising at least one of: a specified distribution method for the request, an indication of a current load on at least one of the plurality of destinations, or a weighting of the plurality of destinations indicating a preferred distribution of forwarding requests between the plurality of destinations.** (Emphasis Added)

O'Rourke fails to disclose *selecting a destination from among a plurality of destinations based on at least one delivery factor included in a rule*. O'Rourke only discusses a situation where if one of two cache servers is reaching its capacity to distribute content, one or more clients can be redirected to the other of the two cache servers (col. 4, lines 30-32). The *destination from among the plurality of destinations* recited in amended claim 49 refers to a destination for *forwarding* a request from a client. In contrast, O'Rourke only mentions *redirecting* one or more clients to another cache server, where the one or more clients are informed of an alternate location from which to retrieve content. Nowhere does O'Rourke mention the possibility of *selecting a destination from among a plurality of destinations* to which a *request* from a client can

be forwarded, where the client's request may be received at the destination without further action by the client.

Even without the above limitations, claim 49 as amended is still patentable over O'Rourke because O'Rourke further fails to teach that *at least one rule in a set of forwarding rules can specify a plurality of destinations*. While O'Rourke does discuss the situation where cache policies can cause one or more clients to be redirected from one cache server to another (col. 4, lines 30-32), O'Rourke fails to disclose anything about the information contained in the cache policies used to accomplish this result. Thus, O'Rourke fails to teach that a plurality of destinations can be *specified in at least one rule* in a set of forwarding rules.

Similarly, O'Rourke also fails to teach that *at least one delivery factor can be included in a rule*. Although O'Rourke states that cache policies can cause the redirection of one or more clients from a first cache server to a second when the first cache server is reaching its capacity to serve content (col. 4, lines 30-32), O'Rourke does not mention that a delivery factor can be *included in a rule*, much less that the delivery factor that can be included in the rule comprises *at least one of: a specified distribution method for the request, an indication of a current load on at least one of the plurality of destinations, or a weighting of the plurality of destinations indicating a preferred distribution of forwarding requests between the plurality of destinations*.

Since O'Rourke fails to teach all the limitations of amended claim 49, claim 49 is therefore patentable over O'Rourke.

### Dependent Claims

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicant's silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

### Conclusion


For the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly requested.

If there are any additional charges/credits, please charge/credit our deposit account no. 02-2666.

Respectfully submitted,

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